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THE OPINION



Vol. 25 No. 4

STATE UNIVERSITY OF NEW YORK AT BUFFALO SCHOOL OF LAW

October 9, 1984

Greiner Assembles Law Dean Search Committee

by Tony Torres

The most important issue of the year has become the selection of a new Dean for our Law School. At the September 21, 1984 faculty meeting, University Provost William Greiner outlined the procedure by which the Law School Dean Search Committee is to be assembled. As students and future alumni, we should take an active role in the selection of the new Dean.

Headrick Lauded

Dean Thomas E. Headrick has indeed accomplished much during his eight-year tenure as administrative head of the U/B Law School. He has managed to balance the needs, wants and changing attitudes of transient students with the academic demands of a diverse and controversial faculty, while building the academic respect and reputation of the institution. It is a rare leader who can achieve such a balance, and it is our loss that Headrick won't be remaining as Dean.

It may prove to be impossible to find a candidate with his qualities, but we must endeavor to do so. We are underscored because of a plethora of reasons,

not the least of which is that the reputation of the Law School, and it's Dean, precedes us as we begin our legal careers. It is, therefore, important that the student body become, and remain, involved in the dean search and selection procedure.

On Friday, September 21, members of the faculty, Judy Olin and this writer, convened in Room 210 at 2:15 p.m. to listen to Provost Greiner address the issue of replacing Dean Headrick. The Provost began by first acknowledging the hard work the Dean has done during his administration, the close personal friendship they have developed, and stated that he is glad that Dean Headrick is remaining on the faculty.

Provost Greiner said thoughtfully: "It is with deep regret that I accept this resignation." Greiner then listed two items of concern: 1) The make-up of the Law School requires a very diverse person to fill the Deanship; and 2) the Dean of the Law School is a leadership position for the whole University.

Search Procedure Outlined

Provost Greiner proceeded by running down the procedures utilized to acquire a Dean for the

School of Architecture recently. The Search Committee make-up was three Department Chairpersons, two faculty at-large, one staff professional, one local architect, two students (one undergraduate, one graduate), two university at-large faculty, and, as president of the Committee, the Dean of Management. The Committee instituted a full nationwide search which included applicants from the faculty.

After careful screening six candidates were invited for a round of first interviews with faculty and administrators. From these, four candidates were invited to return for a second round of more in-depth interviews. The Search Committee then submitted a final unranked list of four candidates to the Provost. The Provost after conferring with the faculty, made an offer to the most qualified and acceptable candidate, who then accepted.

Provost Greiner proposed that the Search for the Law School Dean should proceed in the same fashion. The proposed make-up of the Committee would be five faculty, one student, two University at-large faculty, one staff professional, and the Dean as head of the Committee. Applications for the positions are to be ac-



cepted soon; therefore, the Committee should be formed within the next few weeks.

The Provost would like a short list (no more than four candidates) by March 1985 and have the new Dean selected and contracted by August 1, 1985. The faculty is to elect ten members for the Committee of which the Provost will select the five faculty committee persons. The S.B.A. is to name two candidates for the Committee from which the Provost will select one.

After fielding a multitude of questions such as, "Why do we need other faculty?" and "Why only one student?" Provost Greiner swiftly departed. The faculty discussed the proposed procedure, then voted to delay elec-

tion of the ten faculty until later this week (that list will be made available).

Need for Student Representation

As student representatives to the faculty meeting, Ms. Olin and this writer argued that two students were necessary on the Dean Search Committee. Our points were as follows: (1) although we do not have a J.D. and an L.L.M. program, we do have a recognizable upper and lower class; (2) that a second student would add to the process by emphasizing our concerns; (3) that a second student would allow for some flexibility for schedule conflicts between the committee and the students; and (4) that due to

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Class of '87 Academic Stats are Down Slightly

by John K. Lapiana

Although their numerical academic credentials are somewhat lower than their immediate predecessors, UB Law School's 1984-85 first year students instead reflect more the school's campaign to elevate "personal factors" to a more important role in the admissions process.

According to Helen Crosby, Law School Registrar, the class's Law School Admissions Test (LSAT) score median was 36, down one point from last year, while the median grade point average (GPA) also fell from the 1983 mark. The Class of 1986, on the average, scored a 3.4 GPA during their undergraduate years, while the new enrollees averaged 3.3 out of a possible 4.0. Crosby said no statistics are available on the first year student's class rankings.

The Law School Admissions Service, which, with the Educational Testing Service, administers the LSAT, used by almost every Law School with varying degrees of importance for admissions, estimates that a 36 score ranks the UB student within the 75th percentile of those who took

the test. However, LSAS officials caution, such rankings change from test to test and all recent law enrollees were not necessarily tested at the same time or had taken the same test. Last academic year, the LSAT was offered four times in New York State and, due to the State's Truth-in-Testing law, each exam was completely different from one another.

But, warned Crosby, looking at the admissions process only through numerical standards may be misleading, since the admissions committee changes the criteria and the weighing of individual factors each year. "The admissions committee's interpretations change from year to year," she said. "This year's scores may just be a reflection of the committee's current preferences." Crosby noted that the committee was especially interested in an applicant's "personal factors" — the life experiences and special circumstances not mirrored by standardized scores. "Almost every file (application) we received was individually reviewed by the committee," she explained. "There were fewer au-

tomatic acceptances on just numbers than we have had in the past. The committee was looking for a better cross section of students (by increasing the relative importance of personal factors)."

Echoing the national trend, applications to UB were down

slightly from the previous year, Crosby said, noting that 1500 students applied for 275 openings in the first year class. According to a recent American Bar Association survey, enrollments at the nation's law schools has been on the decline for the past two years.

Law enrollment hit an all-time high in 1981, when 130,000 students were matriculating at 166 American law schools, but that figure has dropped to last year's 128,742. While UB's enrollment figure remains stable, the nation-

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Law School to Host ABA/LSD Second Circuit Fall Roundtable

by Victor Siclari

U/B Law School will have the honor of hosting the American Bar Association / Law Student Division (ABA/LSD) Second Circuit Fall Roundtable on Saturday and Sunday, October 20-21, 1984.

This conference is comprised of the second circuit sector of the ABA/LSD and includes all fourteen ABA-accredited law schools in New York State. According to Susan Kozinn, U/B's ABA/LSD representative, each one of the law schools will send one or two of their representatives and possibly its SBA president to attend the Fall Roundtable.

The weekend will be divided into two events. On Saturday mid-afternoon, there will be an orientation meeting to which all U/B law students are invited to come and meet with the representatives from the other law schools. It will be a "Let's Get Ac-

quainted" session to welcome the visiting ABA/LSD representatives.

"It will be a worthwhile opportunity to meet involved students and make connections," says Kozinn. She recommends all U/B law students, ABA/LSD members or not, to take advantage of the exposure to the representatives from the other law schools and utilize available resources which they can provide. Very informal, the orientation will be a Beer Blast with hot hors d'oeuvres for all. The time and place will be determined soon with information to be posted.

The second event, the actual Fall Roundtable meeting, will take place on Sunday, starting at 9 a.m. It will be open only to the ABA/LSD representatives. "It is an organizational meeting to compare notes and ideas and to find out what each law school is doing," says Kozinn. There will

be an exchange of information as to what projects other law schools are planning and how resources can be pooled and plans organized to achieve greater success in their endeavors.

The ABA has budgeted for travel and lodging expenses of the representatives. According to Kozinn, the ABA's major interest in this conference is to promote and boost membership among the schools' students, but equally important to the ABA is encouraging participation in ABA-sponsored competition and periodicals. Some examples of the upcoming competitions include Client-Counseling Competition, National Appellate Advocacy Competition, and Negotiation Competition.

For more information on the competitions, membership in the ABA/LSD, or the Saturday Beer Blast, contact Susan Kozinn, mail box #428.

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AND MORE!

Editor-in-Chief
Bob Cozzie

Managing Editor
Victor R. Siclari

News Editor: Randy Donatelli
Features Editor: Andy H. Viets
Business Manager: Vacant
Photographer: Molly Mahany

Staff: Robert Mark Bursky, Victor J. D'Angelo, Robert C. Lehrman, Cliff Falk, Paul W. Kullman, John K. Lapiana, Pudge Meyer, Jeff H. Stern.

Layout: Tim Burvid, Pam Laidig.

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Future Elections Reform Necessary

The Student Bar Association is made up of the approximately eight hundred law students who attend this school. In our view, the SBA has basically two functions: The allocation of student activities fees, and dealing with the law school's administration. These responsibilities are performed by the SBA's Board of Directors and various SBA committees.

The recently-held SBA elections offered a stark contrast in candidates with respect to the way these functions are to be carried out. This was especially true at the presidential level. Rich Gottlieb, the winner of this year's race, is insistent in his belief that the SBA Board of Directors is a political body which should be outspoken on numerous issues affecting both the Law School and the University as a whole. Rob Sant's philosophy could be best summed up by his campaign slogan — "Parties, Not Politics." Each candidate held well-defined and articulate views on issues affecting the school, such as SBA funds, and the Law School's relation to the rest of the University. In addition, both Gottlieb and Sant could point to substantial experience with the workings of the SBA. One can wonder, however, how much the outcome of the race depended on the abilities and positions of the candidates.

The only real criteria the entire student body had for making a choice in this year's election were signs plastered throughout O'Brian Hall, one sentence campaign slogans, and a debate attended by about forty people. Since both candidates are seniors, third year students who knew them personally may have had legitimate reasons for voting for one or the other. For first year students, and most second year students, however, the election process does not provide them with a legitimate and meaningful method of making a selection. It is clear that the SBA electoral process is sorely lacking in giving most students the means of making a serious choice among candidates. If there is one thing that the new administration does this year, perhaps it should be to reform the way eight hundred law students decide who is to be responsible for \$40,000 of their money, and represent them when dealing with the Law School administration.

We therefore propose the following reforms in the SBA's election process:

1) The SBA should set aside money for each candidate for the four highest positions (President, Vice-President, Treasurer, and Secretary) to put together position papers which would be distributed to each student's mailbox. A length of perhaps one to two pages would be sufficient. Allowing director candidates to do something similar should also be considered.

2) The presidential and vice-presidential debates should be held at a time when all law students have reasonable access to it. This was not the case at this year's debate which was held at 5:00 on a Wednesday afternoon when most of us are far away looking for something to eat.

3) As indicated in an earlier editorial, we feel that it is to the students' loss that only one of this year's presidential candidates could serve in an elected capacity in the SBA. The elections should be restructured so that the elections for President, Vice-President, Treasurer and Secretary come before the elections for first-, second-, and third-year directors. This would enable the losers of the races for the four highest positions to run again for director positions and therefore remain active in the SBA in an official capacity. Even though Rob Sant has stated that he will continue to be heard from, we think it would have been better if he could be working as an SBA director, rather than just as a voice from the outside.

We consider it essential that in the coming year the SBA Board of Directors take action to reform its election process, in some or all of the ways listed above.

Handicapped Experience New Life at Fresh Air Home

by Robert Marc Bursky

During the summer months I had the good fortune to work at the Southampton Fresh Air Home, a privately funded, not-for-profit organization dedicated to providing children (ages six to sixteen) with an array of physical maladies, a place where they can experience growth and learn to cope with their situations. Located in a residential neighborhood in suburban Long Island, the Home caters mostly to inner-city kids who might not otherwise have an opportunity to exchange noise for tranquility, tumult for serenity, cement for grass, fire hydrants for swimming pools and beaches, seven and one-half weeks per year.

Many of these children (about 60 in all) have spent much of the previous year in and out of various hospitals, undergoing corrective surgery and rehabilitation. Their ailments include cerebral palsy, muscular dystrophy, osteogenesis imperfecta, juvenile rheumatoid arthritis, spina bifida, and clubfoot, among others.

Causes and Effects of the Diseases

Cerebral palsy, which affects one's motor skills, is the result of brain damage usually occasioned at birth or prior to it. The degree of damage varies from person to person. For some, cp's effect is so negligible as to render it virtually imperceptible. In other instances, it results in an almost total inability to command body movement.

Muscular dystrophy is a progressive, debilitating disease. Muscles literally waste away, beginning with the lower extremities and working up towards the diaphragm. Life expectancy is, in most cases, a scant 19 years. Of those at the Home this summer who are now confined to wheelchairs, all can remember a time when they could walk unassisted.

Osteogenesis imperfecta is caused by a shortage of bone calcium. Since calcium is needed for growth, of people, as they are typically called, are usually extremely short. Some are under three feet in height. Additionally, the lack of calcium causes bones to be very brittle so that the slightest contact may yield fractures. Steel rods are often inserted in the body to give much needed support to affected bones.

Juvenile rheumatoid arthritis is a product of fluid build-up in body joints. It is painful, progressive, debilitating and incurable. Spina bifida is a birth defect that usually results in total or partial paralysis from the waist down. Clubfoot can often be corrected or minimized through surgery. Its most prominent effect, therefore, is one that may be reflected in a child's personality and outlook on life.

Types of Activities

The range of activities children indulge in at the Home parallels those at any other summer camp. Arts and crafts, music appreciation, plays, hikes, swim-

ming and sports of all kinds constitute the regular programming.

Games are simply tailored to meet the limitations of each individual. In softball, for example, kids in wheelchairs push themselves both in the field and when at bat. If one cannot do so, a staff member or another camper will provide the needed assistance. The same applies to those children who utilize crutches or walkers.

Campers with more ability do not mind such individualized and "special" treatment afforded their less able peers. In fact, they openly call for it, since the only alternative is to have someone sit out — something which no one wants and everyone discourages.

Philosophy of Activities

This does not mean that games are entered into with entirely carefree attitudes. To the contrary, within the aforementioned framework the kids are quite competitive. The only distinction to be made between rivalry here and at other camps is that Fresh Air Home children are a great deal more tolerant of their teammates who don't perform well. The reason for this is apparent. Experiences and interactions with a larger, often indifferent society, have taught them that the only encouragement they can expect is that which they give to each other.

While the types of activities bear comparison to those offered

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Public Execution Apprised

by Eric Turkewitz

A curious thing has happened in recent years to the execution, that most final and supreme sentence mankind has created for our criminals. It seems that its imposition has succumbed to the pleas of humanitarians, and its format has been drastically altered. Recent executions have seen a rise in the use of the lethal injection as a means of carrying forward the sentence. State legislators continually search for quicker, more efficient and less painful ways of killing someone.

Executions as a Deterrent

As I always understood it, the death penalty was always supported by individuals who felt it useful for its deterrent effect. People would not be so quick to unleash their deadly fury on one another if they knew what gruesome penalty awaited their arrest and conviction.

For centuries, governments of the world have sought to create a dramatic means to impress their populace of the seriousness of the crime, while speeding the criminal along his/her way to meet their maker. Apparently, this is akin to returning a defective product.

Types of Executions

Hanging and the firing squad have always been popular in the United States. High on the list in the 20th century has also been electrocution. Governments have been known to draw and quarter, stone, and drown its citizens to complete the act.

Highest honors, of course, go to the grisly, yet swift, decapitation. Many of these executions were, and still are, done in public to drive the point home to local citizens that certain types of behavior will not be permitted.

Reasons for Less Painful Executions

So how did we end up with something as silly as a lethal injection administered in the basement of an isolated penitentiary?

Humanitarians have for years spoken out against the death penalty as both an ineffective deterrent and one which corrupts the state's moral basis in the battle against the criminal element. They contend the state cannot teach anyone that killing is wrong if the state itself kills someone. It is up to the state to

remove the dangerous person from society, not to play God.

This moral view of execution, combined with allegations that the methods in use were cruel and unusual punishment, led to the diminution in dramatics of the state's ultimate weapon. The state now tries to dispose of human beings it deems unfit for society quickly and quietly in an attempt to quell the voices of dissent.

So what happened to the intent behind instituting the sentence? Is the law designed to influence criminals or political activists?

Making Executions Public

If we are going to execute our baby killers, greedy killers, mass killers and other such distin-

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Finance Committee Openings Announced

MONEY — that's where it's at! As the new treasurer of the SBA, I hope to be able to keep track of where it's at and where it's going. After all, it is our money.

We will be selecting members for the various committees very soon. If anyone is interested in being on the Finance Committee, I urge you to sign up for an interview once the schedule is posted. It's a great way to get involved and learn more about the law school and its organization.

I will be scheduling a meeting with representatives from each SBA-funded organization. At that time, we will review procedures and the necessary forms will be

distributed. Once the Finance Committee is formed, we will establish procedures for the presentation and funding of proposals. All information will be posted in the mail room on the third floor and the SBA office, Room 101, in O'Brian Hall.

If there are any questions, please let me know. I'd also be happy to meet with any group or organization to discuss specific concerns.

Thank you for electing me to this position. I'm looking forward to working with you.

Gina Peca
SBA Treasurer

Columnist Reflects on Buffalo Experiences



by Andy H. Viets

I have been back in the Queen City for six weeks now, certainly time enough to make some penetrating and insightful observations in my usually forgetful style as a serious journalist.

1) **Dean Headrick's Resignation**—So, Dean Headrick is resigning next August. This, of course, opens up the question as to who will be his successor. Schlegel would be the "logical" choice, but since he already has a job, I would like to suggest a more needy candidate—me. I don't have a job after graduation (yet), and I think that I would make a pretty good dean. The first thing I would do is move the law school to the south coast of California, and rename it "SUNY/Santa Barbara School of Law." Believe me, this place would fit right into California.

2) **SBA Elections**—I see that Richard "Tricky Dick" Gottlieb has been elected SBA President. Well, all I have to say about that is—one big, fat, hairy deal. I mean, come on Rich, give us a break. You've already won Moot Court, now give someone else a chance. You realize, don't you, that the only thing that is going to result from this is that you're going to have to rewrite your resume again.

3) **Parking Meters**—They don't really bother me a whole lot since I never get here early enough to park that close to the building anyway. Nevertheless, you would like to think that the powers that be would, just once in awhile, show that they care just a little bit and not pull stunts like this on us.

4) **The Weather**—Is it ever going to stop raining in this god-damned place? For those of you who have never been to Buffalo before, the answer is yes, it will stop raining—next week when it begins to snow. Then when the snow stops (sometime in May) it will start raining again. You think that this would be pretty easy to forecast, but the weatherpeople always get it wrong anyway. Then they blame their mistakes on Lake Erie. We have lake-effect snow, lake-effect rain, and lake-effect sunshine, none of which seems to be predictable.

I really don't see how it can be so hard though. In the spring and summer it's going to rain or it's not going to rain. In the fall and winter it's going to snow or it's not going to snow. And in any event it's going to be cold.

5) **Note-Taking**—I have given up taking notes in class. I have done this for several reasons. First, I never use them on finals. And second, I can't read my own handwriting. So, I just sit there and pretend that I am getting my money's worth. If you do happen to see me writing something down in class, don't accuse me of telling falsehoods—I am just catching up on some letter writing, not taking notes. This is also a good way to fool a professor into thinking that you are feverishly writing down everything he or she is saying so that he or she won't call on you.

6) **Briefs**—I haven't briefed a case since October of 1982. It's a good way to save money on things like paper and pens. It also leaves me with time to do really important things, like watch "Hill Street Blues."

7) **Hill Street Blues**—Pretty good transition, huh? The good thing about "Hill Street" is that if you are taking Criminal Procedure you can forget about class and just watch the show instead. Better yet, if there's ever an opening for a criminal procedure professor here, I nominate Joyce Davenport.

8) **The Library**—I see that they've done some remodeling up on the fifth and sixth floors. Thanks a lot—it took me two years to figure the place out and now they've gone and changed everything. By the time I find everything again, I'm going to be long gone (I hope).

9) **This Column**—As perhaps you have noticed, my "meanderings" this year have been consistently placed at the top of page three of the newspaper. I would like to think that this reflects my status as a highly respected and widely read columnist. The fact of the matter is, though, that being *The Opinion's* sole features editor, I'm the one who lays out the third page of the paper.

I would like to make one additional comment here—I would like to see *The Opinion* receive more letters in response to my

columns. I have been cranking them out, issue after issue, for a year now but have received only **ONE** letter (the author of which, believe it or not, had the nerve to attack me as some kind of half-crazed egomaniac). Don't you people have anything to say out there, or am I going to have to start making libelous statements?

Actually, the real reason I'm asking you to do this is that I am running out of ideas and thought I might make a column out of your letters. It's either that or one of these weeks you'll see this space taken up by a new column: "The Best of Meanderings." It's your choice, people—and remember—not to decide is to decide. May the force be with you (see?—I'm already repeating myself)...

10) **Quotations**—Despite what Ralph Waldo Emerson had to say in *Letters and Social Aims*, that "Quotation confesses inferiority," I have something of a tendency to end my columns with rarely-heard before quotations (there's a whole bunch of them in the back of my dictionary). I am more in agreement with what Isaac D'Israeli wrote about quotations anyway: "The wisdom of the wise, and the experience of ages, may be preserved by quotations." Thus, I would like to close with the following, first uttered by F.J. Raymond: "Next to being shot at and missed, nothing is really quite as satisfying as an income tax refund."

Law Fraternity Inducts New Members; Schaeftler Speaks

by Daniel Marren

The University of Buffalo chapter of Phi Alpha Delta Law Fraternity International (PAD) held a record breaking initiation on Monday, September 24, in the Moot Court Room. For the first time in the history of the Carlos C. Alden Chapter, over 40 new initiates were taken in. In fact, the exact number was 41, bringing the total membership to 108.

New and Old Members

The new members initiated are: Bradford Anderson, Miriam Bades, Steven Baum, Margot Bennett, Lisa Bernhard, Julie Brett, George Brooks, Janet Cohen, Marcy Cohen, Bonnie Daniher-Berger, Anne DiMatteo, Irene Fassler, George Faust, Cindy Fenichel, Celia Garelick, William Golderman, Gregory Jackson, Lawrence Krause, Paul Kullman, John Lapiana, Bruce Lieber, Kenneth Marvald, James Meserve, Amy Panepinto, Kathleen Peterangelo, David Platt, Martha Post, Pamela Pyle, Barb Rabinowitz, Debra Rosenband, Robin Rosenberg, David Rychlik, Jennifer Sanders, Richard Saraf, Victor R. Siclari, Donna Smith, Michael Smith, Brian Ton, Karen Urbano, Elisa Wareham, and Willie Wheaton.

In attendance at this special occasion were International Associate Tribune Joseph A. Tringali, District Justice Ronald J. Winter, Dean Thomas E. Headrick (an Honorary Member), several distinguished alumni, and current student members of

PAD. These people witnessed and participated in the sincere and dignified ceremony which bestowed on the initiates full membership in the fraternity.

The Solemn Ceremony

As the ceremony unfolded the officers explained to the initiates the history, ideals, and principles of PAD. They stressed the fact that with fraternalism as the key, it was the duty of each member to further the cause of Justice and uphold the integrity of the profession. Each initiate was then presented with a pin and individually welcomed into the Fraternity by the officers.

The dedication and commitment of the Alumni of PAD was seen in the speeches of Associate Tribune Tringali and District Justice Winter. Both are former Alden Chapter members who are very involved with the Fraternity at the international and regional level. Their presence showed the strong bonds of fraternalism that is PAD's strength. As Brother Winter pointed out, "PAD is not the best legal fraternity because it is, the largest, but it is the largest because it is the best."

Faculty Member Initiated

As part of the night's ceremony, the Alden Chapter was proud to take in Professor Michael A. Schaeftler as a Faculty Member. Professor Schaeftler is presently teaching Corporations at U/B Law School and is the author of *The Liabilities of Office: Indemnification and Insurance*

of *Corporate Officers and Directors* (Little Brown, 1976), as well as several law review articles.

His speech to the members truly captured the spirit and effect of membership in PAD. He pointed out that since it is open to all law students regardless of sex, race, creed, or political beliefs, many diverse points of view are represented. Debate and conversation should be lively among the members as the skills necessary to becoming a competent lawyer are honed. In addition, he took note of the diverse and lively social activities which the Fraternity sponsors throughout the year. "Phi Alpha Delta improves the quality of life of the law student and makes law school environment a bit less serious; a little more joyful," said Schaeftler.

Following the ceremony, a wine and cheese reception was held in the Faculty Lounge where the officers, alumni and current PADs welcomed the new members to the Fraternity. During this reception, Randy Donatelli (Alden Chapter Clerk) was presented with the Frank E. Gray Award as the outstanding PAD clerk in the nation. The selection of who was to receive this distinguished award was determined by the International Board at the 45th Biennial Convention this past August. All the members of the Alden Chapter and its officers congratulate Randy on this accomplishment. We are all sure that his work will be just as spectacular this year as it has been in the past.

SBA Meeting

The first SBA meeting will be held on Wednesday, October

10, 1984 at 6:00 p.m. in the First Floor Lounge.

If you are unable to attend, please contact one of us.

Rich — 382
Tony — 563
Gina — 720
Lisa — 744

The Agenda is as follows:

- 1) Introduction
- 2) SBA Appointments Committee (Interviewing for SBA and Faculty-Student Committees)
- 3) Meeting time
- 4) Office Hours

Criminal Law Sections Try Rape Suspect

The trial dates have been set for defendant Edward Rusk, indicted on a rape charge. On Wednesday, October 17th, Team I of Section One's Criminal Law class will try the case. Team II will try the case on Thursday, October 18th. Both trials will be held in the Moot Court Room at 7:00 PM. The Honorable Charles Ewing will be presiding.

All are invited to attend. Last year's trial was a great success (especially for Rusk) and this year we anticipate a trial even CNN wouldn't pass up. Refreshments will be served after the jury reaches a verdict.

T.V. Series on Constitution Features Prominent Figures

by Robert C. Lehrman

For the next eleven weeks an all-star lineup will be struggling with the same issues you will be struggling with. It might be reassuring to see that some of our most accomplished public officials also have trouble grappling with difficult constitutional issues, and then, it might be frightening to see how loose their grip on these concepts can be.

The struggle takes place on "The Constitution: That Delicate Balance," every Tuesday until December 11. It will be aired at 10:00 p.m. on the Public Broadcasting Service, which is channel 17 in the Buffalo area. The series was produced by the Media and Society Seminars of the Columbia University School of Journalism, in cooperation with WNET and WTTW, and is funded with \$150 million provided over a 15-year period by the Annenberg/CPB Project.

Fred W. Friendly, former president of CBS News, professor at Columbia Graduate School of Journalism, and lecturer at Columbia Law School, originated the series format which he describes as "one part Socrates and one part Phil Donahue." The series was taped in October of 1983 at Congress Hall, site of the

signing of the Constitution, in Independence National Park, Philadelphia.

Each show has an eminent law professor as moderator; several dozen judges, journalists, politicians, and professors as participants; and a thorny constitutional issue as the problem. Retired Supreme Court Justice Potter Stewart and Fred Friendly provide the commentary.

On September 25, Dean Benno C. Schmidt, Jr., of Columbia Law School moderated. Former U.S. President Gerald R. Ford played president, former Secretary of State Edmund S. Muskie played secretary of state, and assorted others were on hand to play parts they know well. The issue was the War Powers Act.

The program explored the constitutional tensions which arise between the branches of government when the country engages in hostilities just short of war. Potter Stewart said such tensions are inevitable because "the constitution was written at a time of sailing ships and gun-powder."

For an hour the participants mulled over the question, which Watergate Special Prosecutor Archibald Cox finally defined as, "What are the president's powers as commander-in-chief?" The liberals on the show sought to limit the president's powers

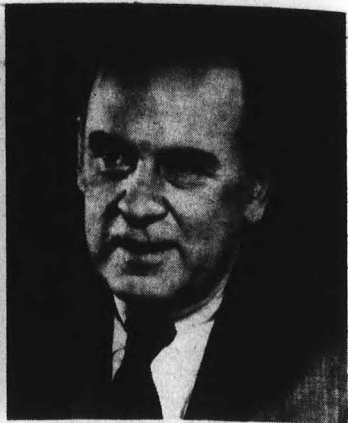
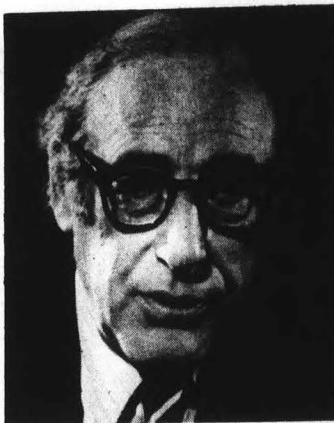
while the conservatives sought to limit Congress's powers.

Alan D. Freeman, professor of Constitutional Law at U/B, criticized the show because it never moved beyond a simple definition of the conflict between Articles I and II of the U.S. Constitution. He said it was silly to talk about the hypothetical El Dorado and Sierra Madre when it would have been more instructive to talk about the War Powers Act in the context of El Salvador and Nicaragua.

After the participants had reached a stalemate, it was suggested that the courts should decide whether the executive or legislative branch had the power to "make" the war. Philip Buchen, former counsel to President Ford, felt intervention by the courts into this dispute would be an unconstitutional arrogation of power. Buchen said if the Supreme Court told the president to pull out the troops, he would tell the president to ignore the order.

At that point, most of the participants gasped in horror. Then, to comfort us all, Gerald Ford said he would decline his counsel's advice, and with deep reservations, comply with the court order.

The judges present agreed that it was unlikely the court



Fred W. Friendly (left), and retired U.S. Supreme Court Justice Potter Stewart, offer analysis on The Constitution: That Delicate Balance, a 13-part series premiering September 18, at 10:00 p.m. (ET), over the Public Broadcasting Service (PBS). (Check local listings.) Photos by Gerard Murrell

would become involved in such a conflict. Potter Stewart said it was a non-justiciable dispute, a place for political accommodation.

Professor Schmidt moderated programs 1, 2, 8, and 11. Charles R. Nesson, professor and associate dean at Harvard Law School, moderated programs 4, 5, and 6. Richard R. Miller, professor at Harvard Law School, moderated programs 3, 9, and 10. Programs 7 and 12 were moderated by Tyrone Brown, former commissioner of the Federal Communications Commission. Lewis B. Kaden, professor at Columbia Law School, moderated program 13.

Following are the names of the participants in the series "The Constitution: That Delicate Balance."

Arthur Alarcon, Judge, U.S.

Court of Appeals; Lemar Alexander, Governor, Tennessee; John Anderson, Former U.S. Representative; Bruce Babitt, Governor, Arizona; Jeanne Baker, Massachusetts Civil Liberties Union; Laurence Barrett, Time Magazine; Griffin Bell, Former U.S. Attorney General; John Brademas, Former U.S. Representative; David Broder, The Washington Post; Joseph Califano, Former Secretary, Health, Education and Welfare; David Carliner, American Bar Association; Norman Carlson, Director, Federal Bureau of Prisons; Hodding Carter, Former Assistant Secretary of State; Archibald Cox, Watergate Special Prosecutor; Lloyd Cutler, Former Counsel to President Carter; Lyle Denniston, The Baltimore Sun; Christopher Dodd, U.S. Senator; Phil Donahue, TV

continued on page 10

Home Provides Unique Experience for Handicapped

continued from page 2

at other camps, the manner in which children come to participate in them is novel. Three or four times each day campers can partake in games of their own choosing. Activities are never forced upon them and their respective groups. It is the campers who give definition to the Home, not the reverse. Furthermore, the notion that campers can select their activities supposes a freedom to remain bystanders and not get involved at all.

Drawbacks to Child's Development

This philosophical approach to programming makes sense in view of the lives these children lead during time spent in hospitals and at home. Most have never had an opportunity, or have been forced, to make a decision affecting themselves. In hospitals, doctors, social workers and parents typically discuss issues important to the children without ever consulting them—even when they are old enough to understand and appreciate the substance of such conversations. This has the effect of reducing them to "object" status. At home, they never learn to make the most of what abilities they do possess, owing to a guilt complex held by their parents.

Simply stated, many parents blame themselves for their child's infirmity, whether or not this breast-beating has any possible basis in fact. To atone for their self-imposed "error," they work 10 times as hard at trying to make their children happy than do parents of so-called "normal" kids. Yet, anxious to give them the world, these parents actually deprive their children of it. Instead of teaching independence, parental actions foster child dependency on others—a role physically handicapped kids are all too willing to accept. They

learn to feel sorry for themselves and consider themselves helpless. The sad result is that many of them do not realize a potential to lead fully or semi-autonomous lives.

"Life is forced upon them and the choice is simple: accept it or reject it."

How the Home Helps

At the Fresh Air Home, children suddenly find themselves in a different setting. No one tells them what to do, nor does the staff do for the kids that which they are capable of doing for themselves. Campers cannot find happiness by living vicariously through others. Life is forced upon them and the choice is simple: accept it or reject it.

This holds true even for those who need physical exertion to maintain reasonably good health. For example, it is imperative that people with arthritis exercise regularly so as to slow effects of their illness. Now such a camper who wishes to sit out one, two, or three times, will not attract any attention, since at one time or another all of us prefer to be lazy. The fourth time, however, a staff member may say, "Fine, don't play—be in a wheelchair by the time you are twenty."

This may sound cruel but the message is clear. No one can live your life for you. If you want to stew or brood about your condition, then so be it. If you want to live instead of existing, the decision is yours. If you don't do something to help yourself, don't expect anyone else to do anything for you, either.

Most respond positively to this scheme. It is unfortunate that once summer ends they head

back to a typically restrictive home environment where they once again assume the role of "cripple."

Incentives for Improvement

Other means for encouraging campers to assume responsibility are employed. The administration creates paying jobs to be filled by the campers themselves. Kitchen and dining room work, menu planning, gardening, collecting and parcelling mail are just a few examples.

From Sunday through Friday, each of the four dorms prepares for daily inspection culminating in the selection of one winner whose members earn the luxury of a Saturday breakfast-in-bed,

LANALSA Assails Remarks Delivered by INS Recruiter

by Walter Ramos

In a letter recently sent to Benedict J. Ferraro, Esq., director of the Immigration and Naturalization Services (INS) Buffalo Division, the Latin, Asian, and Native American Law Student's Association (LANALSA), forcefully criticized and condemned "racist" remarks made by INS representative James Grable during his September 10 recruitment visit to the Law School.

The remarks were made to students during the morning and afternoon workshops sponsored by the Career Development Office (CDO) to introduce legal career opportunities with the INS, a branch of the U.S. Department of Justice.

During Grable's discussion of resettlement options offered by the INS, he contrasted the Arizona offices—a coveted assignment with the San Diego branch which he called an undesirable location because "it has

served by staff from the other competing dorms. Older campers learn to increase feelings of self-worth by attending to physical and emotional needs of younger ones. Many older boys and girls are invited back as full-fledged staff.

Relating to Society

Lest they forget that at summer's end they must once again deal with an indifferent and often hostile society, the kids hold discussion groups on a regular basis to exchange problems and pose potential solutions. Topics include how to react when an ignoramus treats you as mentally retarded because you are physically handicapped; how to cope with significant levels of ostracism and ridicule frequently administered by "normal" peers; how to deal with manifestations of "parental guilt syndrome;" and how to combat patronage.

For people who have never interacted with this population, the Fresh Air Home provides an excellent opportunity to glean knowledge of what it is like to be physically handicapped. For those who proclaim themselves well-versed in this matter, exposure to life at the Home provides impetus for a reexamination of traditionally accepted methods of dealing with those who have uncommon physical limitations.

In either case, it is an eye-opening, learning experience in which the staff says "thank you" to the children and not the other way around, come summer's end.

been overrun by Hispanics." Later that afternoon during a second meeting with students, Alberto Benitez, President of LANALSA was introduced to Grable by Audrey Koscelniak, coordinator of CDO, as a student interested in immigration law and a desirable candidate. According to Benitez, "the first words out of his mouth were, 'Are you a permanent resident?' to which I replied, 'No, I'm a U.S. citizen'."

When advised of Grable's reference to Hispanics by a student who was present at the morning session, Benitez convened a meeting of the LANALSA Executive Board which drafted the letter assailing Grable's "insensitive and racist remarks."

The students were joined in expressing their indignation by Alan Carrel, Director of CDO, who characterized Grable's remarks as "unjustified under any cir-

cumstances."

Later that week, Grable sent a formal letter of apology to LANALSA in which he stated that he only meant to advise students that they might be uncomfortable in a city (San Diego) where English was not the predominant language. Members of LANALSA deemed the letter of apology unacceptable and charged that it merely compounded the initial insult.

Advised of Grable's remarks and equally insulting letter of apology, U/B Law School Dean Thomas E. Headrick sent a letter to Ferraro in which he stated that "Though we cannot still the voices of discrimination in this society, we certainly do not need to provide them with a forum." With that letter he advised Ferraro that he was asking all student and faculty organizations to refrain from reinviting Grable to speak at the Law School.

Courts and Elitists Pose Threat to Democracy

by Randy Donatelli

Commenting on the American polity in 1835, Tocqueville wrote "I hold it to be an impious and detestable maxim, that, politically speaking, the people have a right to do anything; and yet I have asserted that all authority originates in the will of the majority. Am I, then, in contradiction with myself?" This expression of a fundamental dilemma characteristic of democracy originated from the pen of a Frenchman born with title of nobility.

Tocqueville was deeply impressed by the character of American society; he admired the resourcefulness and pragmatism of its people and institutions. However, he feared that property interests and individual liberties would always be in jeopardy due to the principle of majority rule. Tyranny of the majority, according to Tocqueville, was the greatest potential threat to America. He stated, "In my opinion, the main evil of the present democratic institutions of the United States does not arise from their weakness, but from their irresistible strength. I am not so much alarmed at the excessive liberty which reigns in that country, as at the inadequate securities which one finds there against tyranny."

It is not surprising that the aristocratic Tocqueville was wary of leveling impulses held by the masses. Today such arguments are chastised for being elitist when used to defend private property interests. If Tocqueville's elitism is so easily scorned, why do those who advocate and perpetuate elitism in America today escape similar scrutiny? The answer lies not with the evil of elitism per se, but with the ends it seeks to achieve.

There are two methods whereby majoritarian rule can be checked. The first solution might be offered by an aristocrat who would propose a less than universal suffrage. The second method calls for retaining universal suffrage while withdrawing subject matter from the consideration of the elected legislative bodies.

The assault on democratic process originates from those who advocate transferring dominion over issues of public concern from the legislatures to the courts and bureaucracies. This approach is not only undemocratic, it is elitist. The proponent of this elitism defends his position with slogans, like "an attack on the Supreme Court is an attack on the Constitution" and "the court has no choice but to act when the legislature has failed."

It is my position that, regardless of the ends sought to be attained, the movement away from democratic institutions by today's elitists should not be tolerated. No longer should the vigilance of the American electorate be subjugated by those who desire to save society from itself.

The concept of bare majority rule is actually somewhat misleading. The framers of the Constitution sought to check majority rule through the Electoral College, the Senate and the Presidential Veto. In addition, the principle of Federalism serves as a bulwark against potential tyranny of national majority factions. The tendency towards formulating and propagating public policy in the Federal Courts results in the imposition of uniformity on a nation that is, in fact, quite diverse. Issues concerning substantive social, political and economic policy, properly belong to the legislature.

Removal of subject matter from the legislature is often cleverly defended by placing certain labels on controversial issues. For example, in labelling affirmative action as a question of "social justice", the intent is to insulate an otherwise debatable issue from public consideration. After all, who could possibly be opposed to social justice? We are

then expected to believe such important matters should only be entrusted to the judiciary.

Those who prefer the courts to the legislature in deciding the great issues of public concern are nothing more than elitists. These people would have us believe that if the Bill of Rights were subject to a popular referendum, it would lose. Contempt for the intelligence and sensibilities of the electorate is a prime characteristic of such elitism.

The retreat from democracy must be recognized as a danger-

ous trend. Those who support this trend fear Federal Courts may begin to behave like courts ought to behave, if the "wrong" Presidents are elected.

What the Judicial Branch, particularly the Supreme Court, has done over the last four decades should not be taken for granted. An electorate sufficiently aware of the proper functioning of our federal system has the ability to elect a Congress bold enough to make sure Federal Courts no longer serve as agents of the elitist elements among us.

Entering Class Averages Lower

continued from page 1

al number should fall even further when this year's class is counted.

Still, while overall numbers of students continue to decline, the proportion of minorities and women in the nation's — including UB's — law schools are rising. Crosby pointed out that of the 275 first years, 129 are women and 27 come from minority groups, the percentage being "more than we have had in the past." UB Law School's male:female ratio of 1.13 to 1 is one of the U.S.'s best, according to figures published by Barron's Educational Services.

Although figures for this year are still incomplete, Crosby believes that UB's undergraduate division will again lead all schools in number of Law students enrolled, with Buffalo State College leading the SUNY College system and Cornell and Canisius at the top of the private university list. "We have historically received," Crosby emphasized, "many good applicants from Cornell." Other schools traditionally making a large contribution to the Law School's student body include

Binghamton, Brandeis, the University of Rochester, Notre Dame, and Fredonia State College.

While the student body's undergraduate roots are diverse, their home backgrounds are less so. Crosby notes that 58 percent of this year's entering class consider themselves Western New York residents, while 103 are from other New York State locations and 12 are from out-of-state. Crosby expects the dozen out-of-state students to disappear by the time their second year begins, not from academic attrition, but more from an economic stimulus. "Most out-of-state students try to become residents as quickly as possible," she said. "The tuition is much less expensive that way."

Crosby said the Law School admissions office is currently undergoing a study on the current class's age range. "The ages of our students has always been varied," she explained. "Applicants are not exclusively in the early to mid-twenties range." The most notable/prospective student age-wise, Crosby noted, was a 72 year old, who was, however, not accepted.

Public Execution

continued from page 2

guished individuals, we should do it right or not do it at all. First and foremost, the execution must obviously be public, regardless of the means chosen to carry it out. What better way is there to show you mean business?

Those that believe in execution for its deterrent effect would get the widest possible exposure for their audience. Let the potential criminals see for themselves the punishment that awaits them.

For those that believe that the death penalty is a barbaric anachronism, nothing could be better to help promote their sense of outrage that such a punishment exists in a modern society. What better way to jar the collective conscience of a society then to televise the spectacle of such inhumanity? Both the political left and right (of which so many need to categorize each other as) would easily agree that there is no better time than prime time to mete out the sentence.

Making Executions Graphic

Secondly, this business about quiet executions has got to go. Bring back the guillotine! This

style of killing is no more cruel than any other, as it kills as quickly and painlessly as methods now in use. One swift chop and the job is done.

If this thought makes the citizenry squeamish and queasy, well, isn't that the idea? As for being unusual, decapitations have been used by executioners for centuries. Once again, those in favor of capital punishment and those who oppose it will love the effect it has on their respective target audiences.

Making Executions Beneficial to Society

Lastly, if the state can take life, so too, can it give. Let us not permit that body sit in some basket on a stage for people to gawk at. The heart, kidneys and liver can now give new life to people in desperate medical straits. There are many quarts of blood in a human being, as well as eyes and arteries that can rejuvenate otherwise incapacitated individuals. Just think about how many lives can be saved from just one body. Just don't tell the recipient where you got the parts from.

If the state is going to step in as God, shouldn't they do it right?

National Lawyers Guild to Hold Conference on Labor

by Susan Hellerman

The National Lawyer's Guild and the Buffalo Area Metropolitan Ministries are sponsoring a conference on "Jobs and Economic Revitalization in Western New York" on October 12 and 13 at Mt. St. Joseph Academy. The conference will focus on contemporary issues in labor relations and issues of particular importance to Western New York. Issues such as plant closings, concession bargaining, unemployment, alternative ownership, and legislative responses to plant closings will be the topics for discussion in the series of workshops scheduled for Saturday. For a schedule of the workshops, consult the accompanying agenda.

On Friday, October 12, Jane Slaughter, writer for the Detroit based labor newspaper *Labor Notes*, will speak on concession bargaining. Ms. Slaughter will speak on Friday at 2:00 p.m. in the Law School Faculty Lounge, Room 545, O'Brian Hall.

The full day conference scheduled for Saturday includes such speakers as Randy Barber, co-author of "The North Will Rise Again," a book on the use of pensions as a potential source of union power; Assemblyman Frank Barbero; Arthur Eve, Deputy Speaker of the New York State Assembly; Dr. David Perry and Ron Meltzer of SUNY Buffalo; and Lillian Roberts, Commissioner of the Department of Labor. Local union leaders Lou Dudek of the IUE, Michael Kaney of the Boilermakers and John Haley of the UAW will also participate, along with other union and community leaders.

There will be no charge for the conference; everyone is welcome to attend. For information, call 883-7717.

Jobs and Economic Revitalization Saturday, October 13, 1984

MT. ST. JOSEPH ACADEMY
2064 MAIN STREET, BUFFALO, NEW YORK
(Just South of the Scajaquada)

- 8:30 a.m. Registration and Coffee
- 9:00 a.m. Welcome and Orientation
- 9:15 a.m. Opening Address by Dr. David Perry, SUNYAB Environmental Design and Planning
- 10:00 a.m. MORNING WORKSHOPS
 - 1. The Crisis in Collective Bargaining
Lou Dedek, V.P., IUE District #3
Dick Lipsitz, Buffalo Labor Attorney
John Haley, International Rep., UAW Region 9
Jane Slaughter, editor, *Labor Notes*
 - 2. Legislative Response to Plant Closings
Rich Weinstein, N.Y.S. AFL-CIO
Frank Barbara, N.Y.S. Assembly
Eugene Fahey, former Buffalo Councilman
Lillian Roberts, Commissioner, Dept. of Labor
 - 3. The Face of Poverty
David Echols, Buffalo Commissioner of Human Relations
Arthur Eve, Deputy Speaker, N.Y.S. Assembly
Paulette Hammond, President, NOW
Mike Ricci, AFL-CIO Dept. of Labor Liaison
Rev. Herbert V. Reid, Chairman, Coalition of Conscience of W.N.Y.
- 12:00 p.m. Lunch
- 1:15 p.m. AFTERNOON WORKSHOPS
 - 1. Capital Flight
Eugene Casraiff, UAW National Legislative Rep.
Bill Goldsmith, Cornell School of Industrial and Labor Relations
Ron Meltzer, SUNY at Buffalo Political Science
 - 2. Alternative Investment Strategies
Randy Barber, People's Business Commission
Lee Smith, Deputy Commissioner, N.Y.S. Dept. of Labor
Michael Kaney, Boilermakers, Local 7
Ron Seeber, Cornell School of Industrial and Labor Relations
Representative from Weirton in West Virginia
- 3:15 p.m. AFTERNOON PLENARY: NATIONAL INDUSTRIAL POLICY
Lou Jean Fleron, Cornell School of Industrial and Labor Relations
Jeff Faux, National Center for Economic Alternatives
Randy Barber, People's Business Commission
- 4:15 p.m. Concluding Remarks

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Alfred E. Neuman: Third Party Candidate

Editor's Note: The following political commentary was submitted by Robert W. Taylor of Bill Reed & Associates, Inc.

CLEARWATER, Fla., May 7— Alfred E. Neuman today announced his candidacy for the MAD Party nomination for president of the United States. He was immediately challenged to a debate by Pat Paulsen, perennial candidate for president, who attended the press conference.

Calling for less campaign rhetoric as one answer to air pollution, Neuman vowed not to promise a thing. He claims he made all the promises in 1980 that his opponents are making now.

"Do you realize the country is on the brink of ruin?" he asked. "Elect me and I'll finish the job. Amid all the uncertainty, I offer a clear voice of indecision."

Neuman will conduct a nationwide write-in campaign with the slogan, "You could do a lot worse, and you always have!" He stated, "I don't have any new ideas... I just recycle the old ones."

"If elected, I will pattern my administration after that of the man I consider the greatest president we ever had, William Henry Harrison. He served only 31 days."

Neuman declared his opposition to urban blight by demanding that each political candidate be responsible for removing all his campaign posters after the election.

During the ensuing debate between the two candidates, Paulsen, as standard bearer for the Straight Talking American Government (STAG) Party, outlined his position on a number of important issues:

Regarding proposed tax cuts, he stated, "Cutting taxes is a big

mistake. The people don't need money, the government does. The people will just blow it on things like food and clothing."

Paulsen reminded the audience that solutions are not the answer. Commenting on patriotism, he said, "you hear a lot of unpatriotic talk that America has lost its edge in mediocrity... bull feathers."

On sex education he summed up his feelings by declaring, "I am opposed to sex education in schools. Let kids today learn it where we did — in the gutters."

If elected, Paulsen said he would not permit an open door policy for the press. "I don't go barging into newspaper offices to find out what's going on. If the press is so anxious to know, let them read the papers like everyone else."

Paulsen admitted that he is a controversial political figure. Not just another pretty face, he stated that he's revered for his wisdom, his insight and his physical condition. He took credit for increasing the awareness of physical fitness: He said he not only climbed the highest mountain in Kansas, but also ran the Boston Marathon in a mere 71 hours and 35 minutes, being edged out by the winner by a narrow 69 hours.

"I want to reach the people," Paulsen proclaimed. "I want to hear their inner thoughts, soothe their wounded pride. But most of all I'd like to make a buck; why should I be different from anybody else?"

In spite of his past political defeats, Paulsen has once more tossed his hat in the ring because, he said, "I think I'd look nice on a dime."

During the debate, Neuman clarified his position on various key issues:



Alfred E. Neuman, assisted by campaign worker Susanne Matthews, announces his candidacy for president of the United States. Neuman will conduct a nationwide write-in campaign with the slogan, "You could do a lot worse, and you always have."

The peacetime draft. "I will raise the draft age to 65 and remove the exemption for legislators. If they know they have to serve, they won't be so quick to go to war."

Women's rights. "Every woman should be given the same treatment as every man. And every man should have the right to say he has a headache."

The deficit. "I never worry about trivials."

Foreign affairs. "I don't care

what my opponents say, there's no truth to the rumor that I've been dating Koo Stark."

The Republican Party. "The Republican Party has a program to solve all the problems of 1926, in case that year ever comes back."

The Democratic Party. "The Democratic Party offers hundreds of programs to benefit those who are willing to vote, but not willing to work."

The energy crisis. "Every time OPEC raises the price of oil, we

should raise the price of Coke and Pepsi overseas."

Urging the American people to "vote mad" and support the Write-in Neuman (W.I.N.) ticket, Alfred declared, "Sure I'm dumb, but tell me something smart that the others have done!"

Neuman for President T-shirts, bumper stickers and write-in ballots are available. For information write to: Alfred For President, 2080A Calumet Street, Clearwater, FL 33575.

Poetry Corner

Army Jag

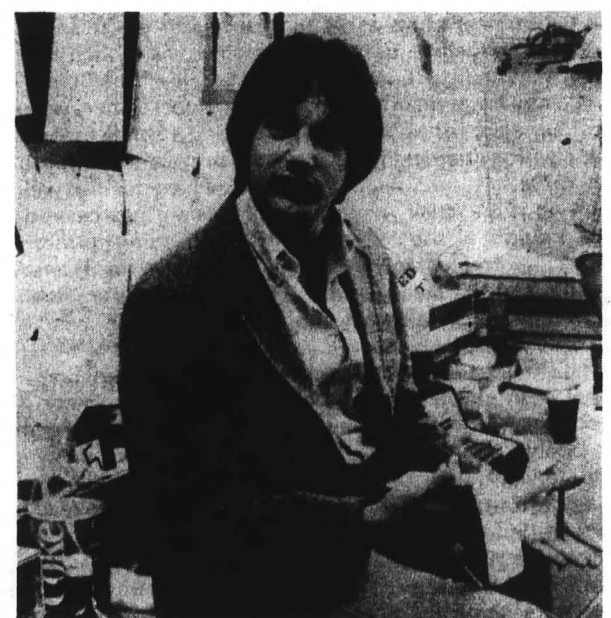
by Victor J. D'Angelo

Gotta get a hair cut,
gonna look real sharp,
Cause I'm interviewing with the
Army.
Lt. Vic will bark the commands,
"OK you reds, put up your hands!"
Life in the army at \$24K,
Who knows, If I like it,
I just might stay.
An M-16 for me to keep,
Send Ma a picture
of me in a jeep.
Ronald Reagan as my Commander-in-
Chief,
When he comes to visit, we'll share a
plate of toast and chipped beef.
They say war is hell,
But the JAG Corp sounds swell,
where do I sign.

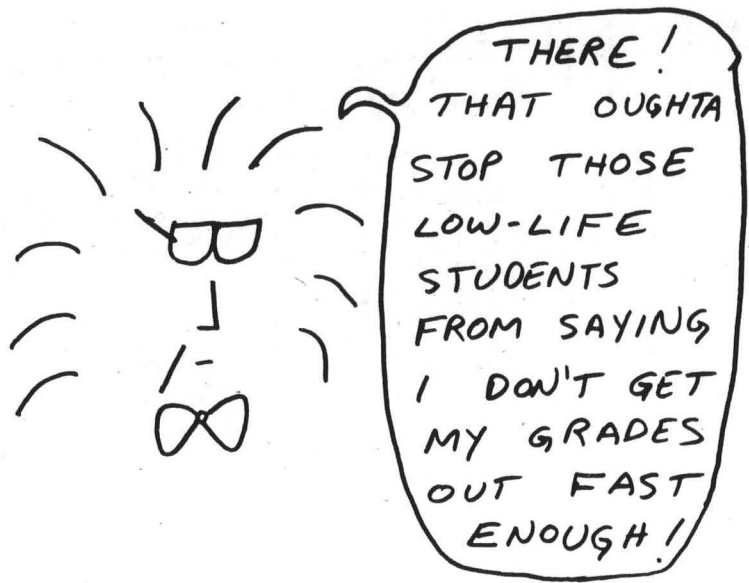
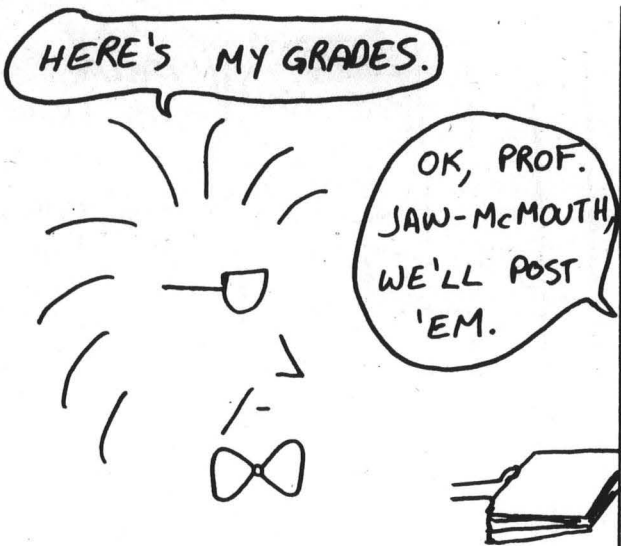
Studying

What am I doing here,
when I could be home
drinking a beer,
and watching the
A-Team.

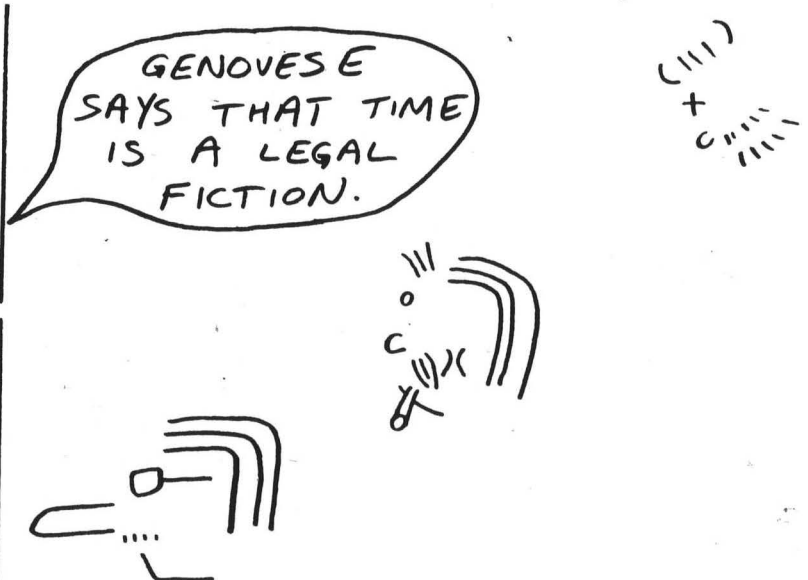
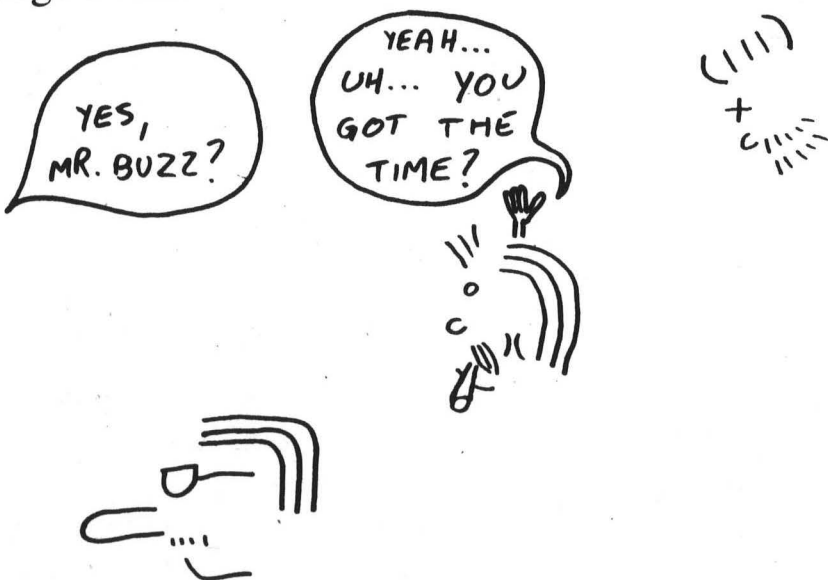
I didn't get Spring-
steen tickets
and the library's real
hot,
Think I'll go out with
Katz and Pleskow,
and drink a whole lot.



Some girl with red
lipstick
keeps giving me the
eye,
She's staring at me,
somebody tell me
why.
(must be my
Springsteen '78 tour
T-Shirt)



FALK



FALK



WELL, I'M NOT EXACTLY A LAWYER. I'M A UB LAW STUDENT.



I'M TAKING "FELONY CLINIC" THIS SEMESTER & I'VE BEEN ASSIGNED TO YOUR CASE!



WELL, CRIPES, YOU DON'T WANT TO DEPRIVE ME OF THE CHANCE TO DO MY FIRST REAL CASE, DO YOU?



HEY, RELAX! I GOT A "Q+" ON MY BRIEF FOR ROBERT REMEDIAL!

FALK

PAD Welcomes Its 41 New Members

Bradford Anderson

Miriam Bandes

Steven Baum

Margot Bennett

Lisa Bernhard

Julie Brett

George Brooks

Janet Cohen

Marcy Cohen

Bonnie Daniher-Berger

Anne DiMatteo

Irene Fassler

George Faust

Cindy Fenichel

Celia Garelick

William Golderman

Gregory Jackson

Lawrence Krause

Paul Kullman

John Lapiana

Bruce Lieber

Kenneth Marvald

James Meserve

Amy Panepinto

Kathleen Peterangelo

David Platt

Martha Post

Pamela Pyle

Barb Rabinowitz

Debra Rosenband

Robin Rosenberg

David Rychlik

Jennifer Sanders

Richard Saraf

Victor R. Siclari

Donna Smith

Michael Smith

Brian Ton

Karen Urbano

Elisa Wareham

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Public Interest Law Career Advisor Assists Students Who Seek Non-Traditional Legal Jobs

by Jeff H. Stern

It's no secret that a majority of law students covet high-paying jobs with private firms and large corporations. But many others prefer public interest work, which they view as more socially just and honorable.

Students in the latter category may in the future find it easier to get jobs, thanks to Lionel Rigler.

Rigler, a second year law student, was recently selected from a group of applicants to fill the newly-created position of Public Interest Career Advisor. Working under the auspices of the Career Development Office, Rigler's 20 hour-per-week job is to help law students seek out employment in public interest areas, government and "non-traditional" law-related fields.

Qualified for the Job

From all appearances Rigler is well suited for the job. He brings to it an extensive public interest background in labor relations. Prior to attending law school he spent seven years working as an organizer for various labor unions as well as a field examiner for the National Labor Relations Board. Moreover, Rigler speaks about his new job with an enthusiasm and eagerness which befit the position.

"There are quite a few people who are interested in public interest work," says Rigler. "This position was created over the course of last year when it was

decided that there was a need to help students find jobs in the public interest and in government areas."

Previously, the Career Development Office had come under criticism for not devoting sufficient attention to these fields.

Types of Public Interest Jobs

Rigler says that public interest jobs fall within three broad categories. First, there are the social action organizations, which include the ACLU, NYPIRG, NAACP, Legal Services, as well as other non-profit groups dedicated to vindicating the legal rights of minorities, women and the poor.

Second, "public interest includes all different types of government jobs, federal, state and local... That could be working in the corporation's counsel office; it could be working in the District Attorney's office; or it could be working for a state agency like the Department of Human Services or Labor, or for a whole variety of federal government agencies."

Finally, there are jobs in what Rigler calls "non-traditional, law-related areas." These jobs can be in public relations, interest group lobbying, school administration or virtually any other area in which a student may be interested. These are not jobs as actual lawyers but ones where the lawyering skills of analysis,

reasoning and clear writing are recognized as valuable.

"People decide during the course of going to law school that law may not be for them, and maybe they have invested too much to drop out after their second year," Rigler notes. These students are looking to pursue other areas in which their legal education and law degree can be advantageous. "The field is potentially tremendous," Rigler says.

Future Plans

Rigler has a variety of ambitious strategies mapped out to help law students locate these various public interest jobs. One is to update and expand the Career Development Office's public interest and government library. Another is to conduct seminars on how to get these jobs, and to invite alumni and local lawyers currently working in public interest areas to come to the law school and speak on the subject. Rigler also hopes to maintain a rapport with local public interest employers and to encourage them to interview here more frequently.

Rigler plans to meet periodically with faculty, alumni and students with summer public interest experience "to find out what contacts they have and to filter that to the students." He also strongly encourages interested students to participate in the



Public Interest Forum which will be held at New York University in early February. "For the first time we will be a full participant (of the Forum), which means that we will be able to have students interview with the public interest employers that go there."

Rigler emphasizes that students should not panic if they have not yet seen public interest jobs posted on the CDO bulletin board. "Most public interest hiring is done in the spring... those people, when they do interview, will be coming here in the spring, and sometimes the hiring does not happen until April or May."

Students with any questions or suggestions whatsoever concerning public interest employment should definitely go speak with the very approachable Rigler in his office in Rm. 627. "I really want to encourage students to come in and tell me what areas they're interested in and what I should be looking for... If there are employers that they're aware of that might be interested in interviewing at the school, or if there are people that they want to interview with that we haven't approached, I want them to come to me," Rigler enthusiastically urges.

The Opinion's publication schedule for the Fall Semester of 1984-85 is as follows:

Issue	Copy Deadline	Late Copy Deadline *	Layout **	Date of Publication
25:5	Monday October 15 8:30 p.m.	Tuesday October 16 12:00 noon	Thursday October 18 7:00 p.m.	Tuesday October 23
ONION (humor)	Tuesday October 30 8:30 p.m.	Wednesday October 31 12:00 noon	Saturday November 3 12:00 noon	Wednesday November 7
25:6	Monday November 5 8:30 p.m.	Tuesday November 6 12:00 noon	Thursday November 8 7:00 p.m.	Tuesday November 13
25:7	Monday November 26 8:30 p.m.	Tuesday November 27 12:00 noon	Thursday November 29 7:00 p.m.	Tuesday December 4

* Late copy accepted only upon prior notice.

** Layouts will take place in *The Opinion* office, Room 724 O'Brian Hall.

Constitution Airs on PBS

continued from page 4

Host; W.J. Estelle, Former Director, Texas Department of Corrections; Gerald R. Ford, Former U.S. President; Barney Frank, U.S. Representative; Max Frankel, New York Times; Willard Gaylin, M.D., Hastings Center; David Garth, Political Consultant; Michael Gartner, Des Moines Register & Tribune; Rudolph Giuliani, Former U.S. Associate Attorney General; Ellen Goodman, Boston Globe; Fred Graham, CBS News; and Meg Greenfield, The Washington Post.

Also participating are Edward Hammock, Chairman, New York State Board of Parole; Orrin Hatch, U.S. Senator; Milton Heifetz, M.D., Cedars-Sinai Medical Center; Antonia Hernandez, Mexican American Legal Defense Fund; Theodore Hesburgh, President, University of Notre Dame; James Hoge, New York Daily News; Shirley Hufstедler, Former Secretary of Education; Brit Hume, ABC News; Henry Hyde, U.S. Representative; Bobby R. Inman, Former Deputy Director, C.I.A.; Jacquelyne Jackson, Professor, Duke University Medical Center; Nancy Kassebaum, U.S. Senator; Irving Kaufman, Judge, U.S. Court of Appeals; Laura Kiernan, The Washington Post; Joan Dempsey Klein, Presiding Justice; California Court of Appeals; Edward Koch, Mayor, New York City; Irving Kristol, Editor, The Public Interest; Steve Kroft, CBS News; Jim Lehrer, The MacNeil-Lehrer News Hour; Ann Lewis, Political Director, Democratic National Committee; Anthony Lewis, New York Times; John Lindsay, Former U.S. Representative; Richard Lugar, U.S. Senator; Carol Mansmann, Judge, U.S. District Court, Pennsylvania; Guillermo Martinez, Miami Herald; Scott Matheson, Governor, Utah; Frank McGarr, Chief Judge, U.S. District Court, Illinois; Mario Merola, Bronx County District Attorney; Barbara Mikulski, U.S. Representative; Abner Mikva, Judge, U.S. Court of Appeals; Bill Moyers, CBS News; Daniel Moynihan, U.S. Senator; Edmund S. Muskie, Former Secretary of State; Jack Nelson, Los Angeles Times; Eleanor Norton, Equal Employment Opportunity Commission; Dallin Oaks, Utah Supreme Court Justice; Eugene

Pincham, Judge, Cook County Circuit Court; and Jody Powell, Press Secretary to President Carter.

Other participants include Charles Rangel, U.S. Representative; William Raspberry, The Washington Post; Dan Rather, CBS News; Diane Ravitch, Professor, Columbia University; William Reynolds, Assistant Attorney General, Civil Rights; Frank Rizzo, Former Mayor, Philadelphia; Roger Rosenblatt, Time Magazine; Jack Rosenthal, New York Times; Loren Roth, M.D., University of Pittsburgh; Van Gordon Sauter, CBS News; James Schlesinger, Formerly Director, C.I.A., Secretary of Defense; Brent Scowcroft, Lt. General; Albert Shanker, United Federation of Teachers; Alan Simpson, U.S. Senator; Howard Simons, The Washington Post; Gloria Steinem, Ms. Magazine; Thomas Stoddard, New York Civil Liberties Union; Alan Stone, M.D., Professor of Law and Psychiatry, Harvard; James Thompson, Governor, Illinois; Richard Thornburgh, Governor, Pennsylvania; Edwin Torres, New York State Supreme Court Justice; Jack Valenti, Former Special Assistant to President Johnson; Patricia Wald, U.S. Court of Appeals; Bryan Walsh, Catholic Charities Archdiocese of Miami; Benjamin Ward, Police Commissioner, New York City; Ben J. Wattenberg, American Enterprise Institute; Glenn Watts, Communications Workers of America; William Webster, Director, Federal Bureau of Investigation; and Tom Wicker, New York Times.

Following are the titles and probable dates of each program in the series, "The Constitution: That Delicate Balance."

October 9, Criminal Justice and a Defendant's Right to a Fair Trial; October 16, Crime and Insanity; October 23, Crime and Punishments; October 30, Campaign Spending: Money and Media; November 6, National Security and Freedom of the Press; November 13, School Prayer, Gun Control, and the Right to Assemble; November 20, The Sovereign Self: Right to Live, Right to Die; November 27, Immigration Reform; December 4, Affirmative Action Verses Reverse Discrimination; and December 11, Federalism: The National Government Verses the States.

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Provost Announces Search Procedures continued from page 1

the heavy work load of the average law student, these schedule conflicts are more likely to occur.

We assured the faculty and the Provost that two students would not hamper the Committee nor lessen the effect of the faculty members' insight and wisdom. The Provost responded by saying, "I'll have to think about that." The student body needs assured and active representation on this Committee and it is this writer's belief that one student is insufficient.

The requirements for a Dean Search Committee which would

reflect the needs, wants and changing attitudes of a student body would include: (1) two students on the Dean Search Committee (one first year, one upper class person); (2) allowing candidates returning for a second interview to meet with students informally; and (3) accepting written comments from the students who met with the various candidates, at the Committee level (this can be accomplished by having the two student committee members collect, copy and distribute the comments to the committee). It is in this manner

that the students can have a real voice in what may prove to be the most important event in our three-year stay at U/B Law.

As of the deadline date of this publication, Provost Greiner had not yet contacted the S.B.A. as to his decision whether or not to permit two students on the Dean Search Committee. Once the S.B.A. has the Provost's answer, it will include the (se) position(s) with the committee interviews to be held the week of October 15th. If interested, please leave a note along with your mail box number in Box 563.

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Crenshaw Takes to Public Tennis Courts In Deceptively Less-Than-Competitive Fashion

by Pudge Meyer

VII.

I weaseled into my office the next morning, doing my best to avoid Crenshaw at all costs. I knew he had to be in the court room at 9:30 A.M. I got M.C. on the intercom.

"Good morning, Pudge. What's up?"

"I was just wondering how you made out with Crenshaw's summation." Everyone called him Crenshaw.

"It's really up to Crenshaw now. Depends on how well he knows it. Lucky he got home early last night. Didn't you guys play tennis last night?"

"Don't you know?"

"He plays so often that I never bother asking him how he did. Half the time I don't even know who he plays with."

"Then he didn't say anything?"

"What about?"

"Wup — here's Jergens, gotta go." That was easy enough. But I was starting to wonder just how good a player he might be. I pictured the two of us on the court . . .

VIII.

My daydream was interrupted as Chief A.D.A. Leibowitz walked right in to my office. Some nerve.

"Steve, if you're not too busy, I have some things for you to do. Try to get to them in the morning. I don't know if you knew that this afternoon we're having a party."

I thought to myself, how nice; a little get-together to welcome their new intern. "Who's it for?"

"The office stenographer is retiring, after twenty-two years." Twenty-two years, not such a

long time. Maybe he came down with Steno Elbow.

I read what Leibowitz had left for me. Then I stared at the wall in disbelief. Here were the facts: A man was driving on a rural road in Weedville when a blue Chevy, attempting to pass, side-swiped him, causing both cars to go off the road. The defendant allegedly ran into the woods. The driver of the first car, Mr. Watkins, limped 300 yards to the nearest residence, which happened to be the home of Leibowitz' uncle, Sol Schrapp. The police were called. Mr. Watkins' leg was bleeding, so Mr. Schrapp took him in to the bathroom to get cleaned up. Soon after, the police were at the door. It was Officer Reidel. "You must be Mr. Watkins. Where was the accident?"

"What are you, blind? It's right out there." Officer Reidel looked outside, and scratched his head. He walked to the road and shouted back, "Would you mind limping over here for a sec?" As soon as Watkins reached the first step, he let out a yell. Both cars were gone. A man was staggering around the roadway.

The Officer began questioning this man, who was apparently drunk by anyone's definition. There was one set of skid marks on the road. The car that made the marks had a wheel base equal to that of the Omni that Mr. Watkins says he was driving. The drunk made some statements, including that his car was just stolen and that it wasn't really his car. Watkins had taken down the license number, which was traced to a Morgan Philistine of Muncie, N.Y. who had reported her car stolen five months earlier. The drunk, later found out to be

Chip Bapin, also stated that he had not been in an accident. It was at that point that Officer Reidel arrested him for Driving While Intoxicated. The question is whether there was probable cause to arrest. I felt like I wanted to go home.

IX.

Camille came flying into my office. "Quick, Steve, we're about to surprise Mr. Dresser, the stenographer. C'mon, into the grand jury room." We went in. There must have been fifty people in there — judges, all kinds of lawyers, and even some regular people. It wasn't long before we all yelled, "SURPRISE" and headed for the food. I ran into Crenshaw by the nachos. He explained that summations would be tomorrow; but since he was all ready to go today, he suggested that we try to get together this afternoon for the showdown. "We can even leave early. I can only eat so many nachos."

"I have to tell you this, but we'll have to make it some other time. I already have a game lined up for today." I could see that he wanted to get angry with me; but he realized that wouldn't be fair. He told me that he could find someone else for this afternoon; we agreed to play tomorrow.

X.

I got to the courts with my opponent at around 4:35 P.M. Two courts down I noticed Crenshaw. Behind him on a bench was an Adidas bag the size of my best suitcase. I couldn't be sure, but I thought I spotted four racquet handles. I was sure that, judging from the dull gleam of black graphite, the racquet in his hand retails for at least \$150. I looked

down to my left hand, which was wrapped around a five-year old Wilson T-3000 — I had gotten it on sale for thirty-five.

I started to play. It's not easy returning a 90 MPH serve while watching someone else play. I caught 2 of them right where it (usually) hurts — which is precisely why I always wear a protective cup when playing competitive tennis.

I couldn't help notice that the play two courts down was not what I would call competitive. I wondered . . . was this a

psychological ploy on the part of Crenshaw? He always plays at the Club — but today he decided to play at the town courts. Yes, yes, that Crenshaw is a cutie.

Then I remembered what M.C. had told me that morning: she doesn't even know who he plays with half the time, because he plays so often. Well, anyone who plays that often will be better than what he was showing me. It all became clear — either he was setting me up, or he's been playing more than tennis five afternoons a week . . .

To be continued . . .

Pudge's Corner:

Pudge Forecasts Upcoming Fights

by Pudge Meyer

Mustafa Hamsho will get his second crack at the World Middleweight Championship on October 19, 1984 at Madison Square Garden. Last time Hamsho fought for this title, he kept the boys in the emergency room busy, needing upwards of fifty stitches on his face. Hagler sliced him as if someone at ring-side ordered a "quarter-pound of Hamsho, sliced thin." Hamsho refused to fight in Buffalo, because sometimes he bleeds on a windy day.

Hamsho should make Hagler work harder than last time, but it will still be an easy victory. When it comes to defense, Hamsho is the Tex Cobb of the Middleweight Division. His strategy for this fight should be to get inside with a quick combo, and get out and away. This strategy should

have the net effect of postponing the inevitable. Hagler, KO in 9.

Bonecrusher Smith will be very interesting to watch in his November fight with Larry Holmes for the Real World Championship. Coming off a mild upset win over Britain's undefeated Frank Bruno this summer, the Bone has capitalized on the chaotic state of the Heavyweight Division to sneak in against Holmes. At age twenty-nine, Bone realizes that a bad loss here could end his career. Is he hungry? Yes. He is the classic unknown, a la Rocky. The outcome can never be too certain when a big man like Bone gets into the ring. He should provide Holmes with all he can handle. Holmes, TKO in 11, or unanimous decision.

The less said about Cooney, the better.

Jaeckle Center's Luncheon Program Off to Good Start

U.B. Law School Alumnus Rich Tobe was the guest of honor at the first box luncheon of the semester sponsored by the Jaeckle Center on October 3, 1984. To a small, but highly interested group of students and faculty, Rich achieved the nice blend of merging a prepared talk with a dialogue with his audience. His presentation of the role

of a lobbyist in Albany contained a few surprises, among them that much lobbying is done by local governments as well as by private interest groups. You are welcome to listen to an audio tape of the session in the A-V Department.

The next luncheon is on October 17th when the Jaeckle Center hosts the Deputy County

Executive, Marie Richardson, at 12:15 p.m. in the Faculty Lounge, Room 545. With the current state of fiscal affairs in Erie County it should prove to be a lively discussion.

Come on along with your questions about the budget process and concerns about government leadership at the county level!

Schedule of Events

October

The Jaeckle Center for State
and Local Government Law

Informal Box Luncheons
(Bring your own)

12:15 P.M. — Faculty Lounge, Room 545

Wednesday, October 17 — Marie Richardson - Deputy County Executive
Topic: Erie County's Fiscal Crisis

Monday, October 29 — William B. Hoyt - New York State Assemblyman
Topic: The Role of the Legislature

Many thanks to all who completed the Jaeckle Center's questionnaire. The speakers have been chosen according to the interest expressed in those responses. Any other suggestions may be give to Cleo, Room #319.

PHILIP ALSTON

— Lecturer, Harvard Law School
— United Nations Centre for
Human Rights

Topic: "The Third World and
International Economic
Law"

and

"Careers in the United
Nations"

Date: Wednesday, October 10,
1984

Time: 12:30 P.M.

Place: Room 210, O'Brian Hall

There will be a reception afterwards in the Faculty Lounge, Room 545, O'Brian Hall.

Sponsored by the International Law Society,
Mitchell Lecture Committee,
and Public International Law.